

Message Text

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73

ACTION IO-10

INFO OCT-01 EUR-12 EA-06 ISO-00 SP-02 AID-05 EB-07 NSC-05

CIEP-01 TRSE-00 SS-15 STR-04 OMB-01 CEA-01 AF-06

ARA-06 NEA-09 COME-00 OIC-02 CIAE-00 DODE-00 PM-03

H-02 INR-07 L-02 NSAE-00 PA-01 PRS-01 NSCE-00 SSO-00

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AMEMBASSY TOKYO

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DEPARTMENT PASS FELDMAN

TOKYO FOR AMBASSADOR FERGUSON

E.O. 11652: N/A

TAGS: EINV, UN

SUBJECT: UN COMMISSION ON TRANSNATIONAL CORPORATIONS

1. COMMISSION MOVED INTO DRAFTING SESSION TO WORK ON
PORTION OF FINAL REPORT DEALING WITH THE WORK PROGRAM.
DISCUSSION FOCUSED ON SEVERAL FUNDAMENTAL POINTS:
A) ON THE ISSUE OF WHETHER FIRST PRIORITY SHOULD BE
ACCORDED TO WORK ON A CODE OF CONDUCT, GROUP OF 77 IS
SUPPORTED BY SOVIETS AND EE'S. WEO DELEGATIONS IN WORKING GROUP
AGREED THIS WAS A HIGH PRIORITY MATTER BUT RESISTED
"FIRST" OR "HIGHEST" PRIORITY FORMULATION. WORKING GROUP
AGREED THAT FORMULATION ALONG LINES, "AMONG THE ISSUES
CONTAINED IN PARAGRAPH 7 OF RESOLUTION 1913, THE COMMISSION
IN THE NEXT FEW YEARS WILL ACCORD PRIORITY TO THE FORMULA-
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TION OF A CODE.." WEO'S SUCCESSFULLY RESISTED JAMAICAN

ATTEMPT TO INSERT "THE" BEFORE "PRIORITY". USDEL EXPLAINED SUBSTANTIVE DIFFERENCE IMPLIED IN LANGUAGE DIFFERENCE NOTING POSITION OF WEO'S THAT ANY FORMULATION GIVING ABSOLUTE PRIORITY TO CODE WOULD UNDULY RELEGATE THE OTHER PRIORITY AREAS TO A CLEARLY SECONDARY CATEGORY. WHILE NOT ENTIRELY SATISFACTORY, THIS FORMULATION IS BEST AGREED LANGUAGE POSSIBLE. IF WE PRECIPITATE AN IMPASSE THERE IS STRONG RISK OF SPLITTING OECD GROUP, E.G. AT LEAST SWEDEN AND GREECE AND PERHAPS OTHERS MIGHT WELL SUPPORT G-77 POSITION. SWEDEN IS ALREADY ON RECORD AS ACCORDING FIRST PRIORITY TO THE CODE.

B) GROUP OF 77 INSISTS THAT DESCRIPTION OF CODE CONTAIN WORDS TO EFFECT THAT CODE IS "TO BE OBSERVED TO TNC'S." FIGUERERO RE-HASHED HISTORY OF THIS ISSUE MAKING CLEAR THAT G-77 FELT IT WAS TIME TO FACE ISSUE SQUARELY AND HAVE COMMISSION LOOK FIRST ONLY AT CONDUCT OF TNC'S RESERVING ANY CONSIDERATION OF GOVERNMENTS' ACTIONS UNTIL LATER STAGE. (WHILE IT WASN'T CLEAR WHAT HE HAD IN MIND FOR LATER STAGE, HIS REFERENCES TO ANY FUTURE GOVERNMENT INVOLVEMENT IN CODE DEALT ONLY WITH THEIR ROLE IN ENFORCING IT.) WEO'S IN DRAFTING GROUP (UK, US, FRG, ITALY, CANADA) HELD FIRM AND DEADLOCKED WITH G-77 ON THIS ISSUE. IT WAS AGREED THAT DISAGREEMENT WOULD HAVE TO BE REFLECTED BY BRACKETED LANGUAGE UNLESS SOME MUTUALLY ACCEPTABLE FORMULATION CAN LATER BE FOUND, WHICH WE BELIEVE UNLIKELY.

2. ANOTHER ISSUE REVOLVED AROUND G-77 ATTEMPT SET UP PRINCIPLES CONTAINED IN CONFERENCE ROOM PAPER NUMBER 2 (FORMER LATIN AMERICAN DRAFT CODE OF CONDUCT). AS GUIDELINES FOR WORK ON CODE. WEO'S IN DRAFTING GROUP WERE UNITED IN OPPOSITION TO THIS AND OBTAINED SEVERAL WORDING CONCESSIONS WHICH RESULTED IN ROUGHLY THE FOLLOWING FORMULATION (BASED ON ORAL PRESENTATIONS NOT YET REFLECTED IN WRITTEN DRAFT LANGUAGE): "AT A PRELIMINARY STAGE, THE COMMISSION WILL CONCENTRATE ON DEFINING A SET OF FUNDAMENTAL RULES OF CONDUCT, TAKING INTO ACCOUNT THE PRINCIPLES CONTAINED IN CONFERENCE ROOM DOCUMENT NUMBER 2, PUT FORWARD BY THE LATIN AMERICAN AND CARRIBEAN DELEGATIONS, AS WELL AS ANY ADDITIONAL PROPOSALS RELEVANT TO THIS ISSUE THAT MAY BE PRESENTED LIMITED OFFICIAL USE

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BY OTHER COUNTRIES."
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